

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-18797APPLICANT/OWNER: URBAN LOFTS X, LTD.

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on December 01, 2008 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Variance (VAR-5288) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Variance (VAR-5288) that allowed 78 percent of the total floor area of a live/work unit to be used for residential purposes where 50 percent is the maximum allowed on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/01/04	The City Council approved a Waiver [WVR-5289] of Title 18.12.100 to allow 32-foot private streets where 39 feet is the minimum width required, a Variance [VAR-5288] to allow 78 percent of the total floor area of a live/work unit to be used for residential purposes where 50 percent is the maximum allowed, a Special Use Permit [SUP-5287] for a live/work development, and a Site Development Plan Review [SDR-5286] and a Waiver of streetscape and build-to requirements for a proposed 71-unit live/work development on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010). The Planning Commission and staff both recommended approval on 11/04/04.
04/14/05	The Planning Commission approved a Request for a Tentative Map [TMP-6134] for a 71-unit live/work development on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010). Staff recommended approval.
02/07/07	The City Council will consider an Extension of Time [EOT-18798] of an approved Special Use Permit (SUP-5287) that allowed a live/work development, and an Extension of Time [EOT-18799] of an approved Site Development Plan Review (SDR-5286) that allowed a 71-unit live/work development on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010). Staff is recommending approval.
<i>Related Building Permits/Business Licenses</i>	
04/05/05	A sign permit [Permit #05002049] was issued for wood sign with posts in the ground.
09/20/06	Civil improvement plans [HANSEN Project #11347] were submitted for a second time through the express review process. Mylars have not been submitted for final signature as of yet.
10/09/06	The Department of Planning and Development accepted a Final Map [FMP-17456] application for the project. The Final Map Technical Review Action Letter was sent on 11/21/06. Mylars have not been submitted as of yet.
<i>Pre-Application Meeting</i>	
NONE	A pre-application conference is not required for this type of application.
<i>Neighborhood Meeting</i>	
NONE	A neighborhood meeting is not required for this type of application.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	4.24
Net Acres	3.79

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MXU (Mixed-Use)	C-2 (General Commercial)
North	Motel	MXU (Mixed-Use)	C-2 (General Commercial)
South	Auto Parts Store Carwash Minor Auto Repair Truck Rental	MXU (Mixed-Use)	C-2 (General Commercial)
East	Motel	MXU (Mixed-Use)	C-2 (General Commercial)
West	Tavern Apartments	MXU (Mixed-Use)	C-2 (General Commercial) & R-4 (High Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

ANALYSIS

This is the first Extension of Time for the subject Variance (VAR-5288), which was approved by the City Council on 12/01/04. A Variance is exercised upon approval of a business license to conduct the activity, if one is required, or, otherwise, upon issuance of a certificate of occupancy or approval of a final inspection. The applicant has not been issued a business license or a certificate of occupancy nor have they received a final inspection for the proposed live/work development. No building permits have been issued for the proposed development; however civil improvement plans [HANSEN Project #11347] were reviewed on 10/04/06 and are pending the submittal of mylars for final signatures. A Final Map [FMP-17456] technical review was completed and an action letter sent out to the applicant on 11/21/06, but no mylars have been returned for processing as of yet. The applicant indicates that the Extension of Time is needed

due to time constraints created by engineering obstacles concerning drainage issues, as well as issues surrounding the acquiring of notarized permission letters from abutting property owners to allow the applicant to demolish, grade and reconstruct retaining walls on the adjacent properties.

FINDINGS

Staff supports the subject Extension of Time for the approved Variance. The applicant has demonstrated that they are working towards development of the subject site. A condition of approval has been added, which recommends that the extension be allowed for two years or until such time as another Extension of Time application is approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0